

IN RE: PETITION FOR SPECIAL HEARING	* BEFORE THE
SW/S Stocksdale Avenue, 200' S	
of the c/l of Woodley Avenue	* ZONING COMMISSIONER
(39 Stocksdale Avenue)	
4th Election District	* OF BALTIMORE COUNTY
3rd Councilmanic District	
	* Case No. 96-275-SPH
Gregory S. Drenning, et ux	
Petitioners	*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Hearing for that property known as 39 Stocksdale Avenue, located in the vicinity of Reisterstown Road and Owings Mills Boulevard (I-795) in Reisterstown. The Petition was filed by the owners of the property, Gregory S. and Isabelle Drenning. The Petitioners seek approval of an amendment to the variance granted in prior Case No. 80-188-A to exclude Restriction No. 1 thereof, which states that "Ingress and egress shall be solely from the County-maintained Stocksdale Avenue along the easternmost property line of the subject property." The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 2.

Appearing at the hearing on behalf of the Petition were Gregory and Isabelle Drenning, property owners, and A.L. "Roy" Snyder, Registered Property Line Surveyor, who prepared the site plan for this project. Appearing in support of the Petitioners were Janine G. Christie, D. T. Breckenridge, Robert B. Ditman, and Neil W. Hill, all residents of the surrounding community. The Petitioners were represented by Michael P. Smith, Esquire. Appearing in opposition to the request were Ralph L. and Rosalie I. Hodge, adjoining property owners. Mr. & Mrs. Hodge were represented by Richard O. Gibbs, Esquire.

ORDER RECEIVED FOR FILING

Date

By

MICROFILMED

As noted at the hearing, this is a complex case and the Petitioners' request unusual relief. Examination of the site plan submitted reveals that the property is roughly rectangular in shape and abuts Stocksdale Avenue, not far from Woodley Avenue and Reisterstown Road. The property is improved with a brick and frame dwelling which is depicted on the site plan and in several photographs submitted at the hearing. The property consists of 1.08192 acres, more or less, and is split-zoned with a portion of the rear yard zoned D.R. 2. The front portion of the site and the dwelling are zoned D.R. 3.5

As shown on the site plan, the existing house is located near the side property line, adjacent to the property owned by Mr. & Mrs. Hodge. According to the site plan, a setback of 1.83 feet is maintained at that location. Apparently in view of this setback, the Petitioners' predecessor in title filed the Petition for Variance in prior Case No. 80-188-A, seeking relief to allow the existing side yard setback. That Petition incorrectly identified the setback as being approximately 3 feet in lieu of the required 30 feet; however, as noted above, the setback is actually 1.83 feet. In any event, the Petition for Variance in the prior case was granted, subject to certain conditions, including Restriction No. 1 which the Petitioners seek to remove through the filing of the instant Petition for Special Hearing.

In this regard, it is apparent that primary vehicular access to the site is by way of Reisterstown Road and Stocksdale Avenue. As Stocksdale Avenue approaches the property from the east, it curves at a 90 degree angle at the front property line. Moreover, as clearly shown on the site plan, a right-of-way continues from the bed of the existing Stocksdale Avenue, across what apparently is the Hodge's property, and abuts the

common property line between the Drenning and Hodge properties. It is, in fact, the existence of this right-of-way which is the genesis of the requested Petition for Special Hearing. As became immediately obvious at the hearing, the case has really arisen due to a neighborhood dispute. Apparently Mr. & Mrs. Hodge and Mr. & Mrs. Drenning do not get along. The basis for their dispute relates to the use of this right-of-way. Mr. & Mrs. Hodge, who own approximately 6 acres adjacent to the subject site, claim that they are unable to access their property because the Petitioners block the right-of-way. For their part, Mr. & Mrs. Drenning claim that Mr. & Mrs. Hodge have threatened them and their children.

As I explained at the hearing, the authority of my office springs from the Baltimore County Code and the Baltimore County Zoning Regulations. I am not a Judge of the District or Circuit Courts of this State and have no authority to intervene in property disputes or the interpretation of deeds or right-of-way agreements. In my judgment, I lack the authority to enter any Order which would resolve this dispute. Nonetheless, all parties should be urged to act reasonably and fairly in their dealings with one another and the use of this common right-of-way strip.

In this regard, I proposed a resolution of the Petition for Special Hearing, which was agreed to by Counsel for both parties. The terms of this resolution include a grant of the Petition for Special Hearing so as to strike Restriction No. 1 of the prior Order, and in its stead, three other restrictions will be imposed within the body of this Order to which the parties agree to be bound.

First, Mr. & Mrs. Drenning will not use the right-of-way to provide vehicular access to their property. This restriction is certainly reasonable in that vehicular access to their lot is already provided both

by a parking pad on the front of their property adjacent to Stocksdale Avenue, and by an existing driveway on the other side of their home. There is no need, therefore, for the Drennings to use the right-of-way on the side adjacent to the Hodge property for vehicular access to their property, and thus, it shall not be allowed.

Secondly, the Drennings should continue to have the right to utilize the right-of-way area for all permitted purposes under the easement agreement, including pedestrian access. That is, the deed apparently authorizes the Drennings to utilize the right-of-way in common with adjacent property owners. Those rights are not being abridged by this Order and the Drennings may continue to use same for any lawful purpose other than providing vehicular access to their property. This includes the right of the Drennings to physically traverse and occupy the property.

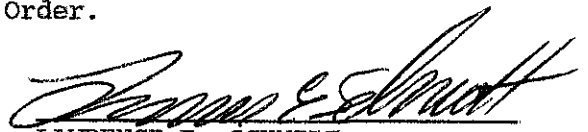
Third, both parties agree that neither shall take any act to impinge upon the rights of the others in utilizing this right-of-way. The Drennings shall not block the access and the use of this right-of-way by the Hodges, and vice versa.

It is recognized that the enforcement of these restrictions is questionable, owing to the fact that this Zoning Commissioner's jurisdiction is limited to an interpretation and enforcement of the B.C.Z.R. However, it is hoped that a granting of the Petition for Special Hearing, as conditioned above, will result in a resolution of the dispute between the parties and at the least, a peaceful co-existence of these neighbors.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the special hearing should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 11th day of March, 1996 that the Petition for Special Hearing seeking approval of an amendment to the variance granted in prior Case No. 80-188-A to exclude Restriction No. 1 thereof, in accordance with Petitioner's Exhibit 2, be and is hereby GRANTED, subject to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) Mr. & Mrs. Drenning will not use the right-of-way to provide vehicular access to their property.
- 3) The Drennings shall continue to have the right to utilize the right-of-way area for all permitted purposes under the easement agreement, including pedestrian access.
- 3) Neither party shall take any act to impinge upon the rights of the other in utilizing the right-of-way. The Drennings shall not block the access, and/or the use of this right-of-way by the Hodges and vice versa.
- 4) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING
Date 3/11/96
By [Signature]

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

March 11, 1996

Michael P. Smith, Esquire
Bodie, Nagle, Dolina, Smith & Hobbs
143 Main Street
Reisterstown, Maryland 21136

RE: PETITION FOR SPECIAL HEARING
SW/S Stocksdale Avenue, 200' S of the c/l of Woodley Avenue
(39 Stocksdale Avenue)
4th Election District - 3rd Councilmanic District
Gregory S. Drenning, et ux - Petitioners
Case No. 96-275-SPH

Dear Mr. Smith:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt".

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. & Mrs. Gregory S. Drenning
39 Stocksdale Avenue, Reisterstown, Md. 21136

Richard O. Gibbs, Esquire, Summerfield, Willen, Silverberg & Linsky
10019 Reisterstown Road, Suite 301, Owings Mills, Md. 21117

Mr. & Mrs. Ralph L. Hodge
33 Stocksdale Avenue, Reisterstown, Md. 21136

People's Counsel; Case File





Petition for Special Hearing

96-275-SFH

to the Zoning Commissioner of Baltimore County

for the property located at 39 Stocksdale Avenue, Reisterstown, MD 21136

which is presently zoned DR. 3.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and map attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County to determine whether or not the Zoning Commissioner should approve an Amendment to the Variance granted May 23, 1980. The Petitioner requests that the Variance be amended to exclude condition No. 1 which states: "Ingress and egress shall be solely from the County maintained Stocksdale Avenue along the easternmost property line of the subject property."

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner

Michael Paul Smith, Esq.

(Type or Print Name)

Signature Bodie, Nagle, Dolina, Smith & Hobbs, P.A.

143 Main Street (410) 833-1221

Address

Phone No

Reisterstown Maryland 21136

State

Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s)

Gregory S. Drenning

(Type or Print Name)

Signature

Isabelle Drenning

(Type or Print Name)

Signature

39 Stocksdale Avenue

526-4191

Address

Phone No

Reisterstown, Maryland

21136

City

State

Zipcode

Name, Address and phone number of representative to be contacted

Name

Address

Phone No

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following date

Next time available

ALL

OTHER

REVIEWED BY:

DATE

1/17/96

ORDER RECEIVED FOR FILING

Date

By:



A. L. Snyder
Surveyor, Inc.
1911 Hanover Pike
Hampstead, Maryland 21074

96-275-SPH

(410) 239-7744

Zoning Description for:

(410) 374-9695

#39 Stocksdale Avenue

December 27, 1995

Beginning for the same in or near the center of
Stocksdale Avenue 140 feet south of Woodley Avenue
and running thence,

- 1.) S 9° 59' 16" E 123.72
- 2.) S 87° 23' 21" W 17.50 feet,
- 3.) N 86° 21' 46" W 97.00 feet,
- 4.) N 86° 21' 46" W 321.32 feet,
- 5.) N 33° 43' 50" E 141.17 feet,
- 6.) S 86° 21' 46" E 335.78 feet to the place of
beginning.

Containing 1.08192 Acres of land, more or less.

Being all that lot or parcel of land conveyed by Rhody A. Bosley and Dale R. Bosley to Gregory Scott Drenning and Isabelle Christie Drenning, his wife, by deed dated December 1, 1989 and recorded among the Land Records of Baltimore County, Maryland in Liber S.M. 8351 folio 157 etc. Being also in the Fourth Election District and the Third Councilmanic District of Baltimore County, Maryland.

MICROFILMED

#274

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

Date of Posting 7/2/96

District 11th

Posted for: Special Hearing

Petitioner: Georgy & Isabelle Drenth

Location of property: 39 Stockdale Ave

Location of Signer: Facing roadway on property being zoned

Remarks: _____ Date of return: 7/19/96

Posted by: MLH Signature

Number of Signs: 1



RECEIVED
JUL 19 1996
BALTIMORE COUNTY

CERTIFICATE OF PUBLICATION

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case: #96-275-SPH
(Item 274)

39 Stockdale Avenue
SW/8 - Stockdale Avenue
200' S of 67 Woodley Avenue
4th Election District
3rd Councilmanic

Legal Owner(s):

Gregory S. Drenning and
Isabelle Drenning

Special Hearing: to approve
an amendment to the variance
granted on May 23, 1980 to
exclude condition #1.

Hearing: Wednesday, February 28, 1996 at 9:00 a.m. in
Rm. 118, Old Courthouse.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are
Handicapped Accessible; for
special accommodations
Please Call 887-3353.

(2) For information concern-
ing the File and/or Hearing,
Please Call 887-3391.

2/108 Feb. 8. C30277

TOWSON, MD., 2/8, 1996

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 2/8, 1996.

THE JEFFERSONIAN,

A. Henrickson

LEGAL AD. - TOWSON

~~Publisher~~

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

013681

96-275-SPH

DATE 1/17/96

ACCOUNT 01-615

Item: 274

By: MSK

AMOUNT \$ 285.00

RECEIVED

FROM:

Drenning, Gregory - 39 Stockdale Ave

040- Special Har - \$250.00

080- 1st yr posting - \$ 35.00

FOR:

\$285.00

1.013681

010000021 01-0100

01-0100 17-96

6.85.00

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

VALIDATION OR SIGNATURE OF CASHIER



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighbors property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 274 Petitioner: Drenning, Gregory
Location: 39 Stocksdale Avenue

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Gregory S. Drenning

ADDRESS: 39 Stocksdale Avenue
Reisterstown, MD 21136

PHONE NUMBER: (410) 526-4191

MICROFILMED

TO: PUTUXENT PUBLISHING COMPANY
February 8, 1996 Issue - Jeffersonian

Please forward billing to:

Gregory S. Drenning
39 Stocksdale Avenue
Reisterstown, MD 21136
526-4191

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-275-SPH (Item 274)
39 Stocksdale Avenue
SW/S Stocksdale Avenue, 200' S of c/l Woodley Avenue
4th Election District - 3rd Councilmanic
Legal Owner: Gregory S. Drenning and Isabelle Drenning

Special Hearing to approve an amendment to the variance granted on May 23, 1980 to exclude condition #1.

HEARING: WEDNESDAY, FEBRUARY 28, 1996 at 9:00 a.m. in Room 118, Old Courthouse.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

MICROFILMED





Baltimore County
Department of Permits and
Development Management

Permits and Licenses
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3900
Fax: (410) 887-2824

January 31, 1996

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-275-SPH (Item 274)
39 Stocksdale Avenue
SW/S Stocksdale Avenue, 200' S of c/l Woodley Avenue
4th Election District - 3rd Councilmanic
Legal Owner: Gregory S. Drenning and Isabelle Drenning

Special Hearing to approve an amendment to the variance granted on May 23, 1980 to exclude condition #1.

HEARING: WEDNESDAY, FEBRUARY 28, 1996 at 9:00 a.m. in Room 118, Old Courthouse.

A handwritten signature in cursive script, reading "Arnold Jablon".

Arnold Jablon
Director

cc: Gregory and Isabelle Drenning
Michael Paul Smith, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

MICROFILMED





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

February 21, 1996

Michael Paul Smith, Esquire
Bodie, Nagle, Dolina, Smith & Hobbs, P.A.
143 Main Street
Reisterstown, MD 21136

RE: Item No.: 274
Case No.: 96-275-SPH
Petitioner: G. S. Drenning

Dear Mr. Smith:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on January 17, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.
W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)



BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: February 5, 1996
Zoning Administration and Development Management

FROM: *RWB* Robert W. Bowling, P.E., Chief
Development Plans Review Division

RE: Zoning Advisory Committee Meeting
for February 5, 1996
Item No. 274

The Development Plans Review Division has reviewed the subject zoning item. Stocksdale Avenue is an existing County road maintained for approximately 5,227 feet from Reisterstown Road to a point 3,854 feet west of Woodley Avenue.

RWB:sw

B A L T I M O R E C O U N T Y , M A R Y L A N D

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
 Permits and Development
 Management

DATE: February 2, 1996

FROM: Pat Keller, Director
 Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. 273, 274,

275, 277, 278, 279, 281, 282, and 285

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by:

Jeffrey W. Long

Division Chief:

Edry L. Kerns

PK/JL

Baltimore County Government
Fire Department



700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410) 887-4880

DATE: 01/29/96

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF JAN. 29, 1996.

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 271, 272, 273, 274, 276, 277 AND 278.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

MICROFILMED





Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoff
Administrator

1-26-96

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 274 (MJK)


Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

for 
Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

March 29, 1996

(410) 887-4386

Michael Paul Smith, Esquire
Bodie, Nagle, Dolina, Smith & Hobbs
143 Main Street
Reisterstown, Maryland 21136

RE: Petition for Special Hearing
Case No. 96-275-SPH
Gregory S. Drenning, et ux, Petitioners

Dear Mr. Smith:

This is to acknowledge your letter of March 21, 1996 regarding the above matter.

The concerns expressed in your letter are, indeed, legitimate and I, again, wish to emphasize that, as Zoning Commissioner, I have no authority to decide questions of ownership or quiet title. My Findings of Fact and Conclusions of Law were in no way intended to establish ownership of the right of way area. In fact, there was no competent testimony or evidence offered at the hearing regarding the identity of the owner of the 24 ft. right of way. As your letter suggests, I do recall some discussion during the hearing that the heirs of the original property owners of the entire tract may well be owners of the fee, subject to the rights of the Drennings, the Hodges and, possibly, others to use the right of way as set forth in the deeds to these various properties.

Therefore, please accept this letter as a refinement to my prior opinion which I trust will be utilized for no purpose other than what it was intended; namely, to interpret the applicable provisions of the Baltimore County Zoning Regulations and an attempt to encourage an amicable resolution of the dispute by and between these parties.

Very truly yours,

Handwritten signature of Lawrence E. Schmidt in dark ink.
Lawrence E. Schmidt
Zoning Commissioner

LES:mmn

c: Richard O. Gibbs, Esquire
Summerfield, Willen, Silverberg & Linsky
10019 Reisterstown Road, Suite 301
Owings Mills, Maryland 21117

Thomas G. Bodie
John J. Nagle III
Thomas J. Dolina
Chester H. Hobbs IV *
Michael G. DeHaven
Michael Paul Smith
Kathleen W. Fitzgerald
R. Scott Krause

BODIE, NAGLE, DOLINA,
SMITH & HOBBS

A PROFESSIONAL ASSOCIATION
ATTORNEYS AT LAW

143 Main Street
Reisterstown, MD 21136
(410) 833-1221
Fax: (410) 833-0026

Martin J. Smith
(1938-1992)

Towson Office:
21 W. Susquehanna Avenue
Towson, MD 21204-5279
(410) 823-1250
Fax: (410) 296-0432

Of Counsel:

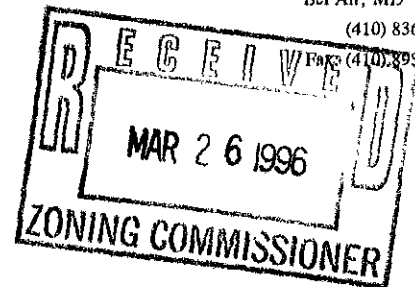
C. Arthur Eby, Jr.
Margaret E. Swain
Wallace Dann
David L. Thurston

March 21, 1996

Harford County Office:
112 W. Pennsylvania Ave., Suite 103
Bel Air, MD 21014
(410) 836-8943
Fax: (410) 899-9701

* Also Admitted in DC

Lawrence E. Schmidt
Zoning Commissioner for Baltimore County
400 Washington Avenue, Suite 112 Courthouse
Towson, MD 21204



RE: Petition for Special Hearing: Case No. 96-275-SPH

Dear Mr. Schmidt:

I am in receipt of your finds of fact and conclusions of law in reference to the above matter. Inadvertently, you make reference to the right-of-way and the Hodges' property being one and the same. In actuality, from south to north it would be the Hodges' property, then the 23-foot right-of-way for use in common with all owners and occupiers of the land immediately adjacent thereto. (The in fee owners are probably the heirs of the estates of the original owners.), and then the Drennings' property. The purpose of my letter is to request that you indicate that you did not find as a fact that the 23-foot right-of-way is actually owned by the Hodges or is the Hodges' property. If you recall, there was a discussion before Your Honor with regard to who owned the property and it was agreed that the owner is likely the heirs of the estates of the original property owners. Thank you for your consideration.

If you have any questions, please do not hesitate to contact me.

Very truly yours,

Michael Paul Smith

MPS:sls

cc: Gregory and Isabelle Drenning

OFFICE OF PLANNING & ZONING

TOWSON, MARYLAND 21204

204-3353

WILLIAM HAMMOND
ZONING COMMISSIONER

May 23, 1980

5-23-80

Richard W. Carrell, Esquire
305 West Allegheny Avenue
Towson, Maryland 21204

RE: Petition for Variance
N/S of Stocksdales Ave., 848.9' W of
Owings Ave. - 4th Election District
Robert A. Pratt, et ux - Petitioners
NO. 80-188-A (Item No. 120)

Dear Mr. Carrell:

I have this date passed my Order in the above captioned matter in accordance with the attached.

Very truly yours,

Sean M. H. Jung

SEAN M. H. JUNG
Deputy Zoning Commissioner

JMHJ/mc

Attachments

cc: Mrs. Rosalie A. Hodge
33 Stocksdales Avenue
Reisterstown, Maryland 21136

John W. Hessian, III, Esquire
People's Counsel

RE: PETITION FOR VARIANCE
N/S of Stocksdale Ave., 848.9' W of
Owings Ave. - 4th Election District
Robert A. Pratt, et al - Petitioners
NO. 80-188-A (Item No. 120)

: BEFORE THE
: DEPUTY ZONING
: COMMISSIONER
: OF
: BALTIMORE COUNTY

::: :::

::: :::

The Petitioners seek a variance to permit an existing side yard setback of three feet in lieu of the required minimum setback of thirty feet.

Testimony indicated that the existing dwelling is at least twenty years old and that the road, adjacent to the south side of the subject property, is used by two farms. Further, the Petitioners stated that they only utilize Stocksdale Avenue, on the east side of the subject property, for ingress and egress.

Without reviewing the evidence further in detail but based upon all the evidence presented at the hearing, in the judgment of the Deputy Zoning Commissioner, the health, safety, and general welfare of the community will not be adversely affected; and, therefore,

IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County this 23rd day of May, 1980, that the Petition for Variance to permit an existing side yard setback of three feet in lieu of the required minimum setback of thirty feet should be and the same is GRANTED, from and after the date of this Order, subject to the following restrictions:

1. Ingress and egress shall be solely from the County maintained Stocksdale Avenue along the easternmost property line of the subject property.
2. Compliance with the site plan as submitted, revised to incorporate the above restriction, and approved by the Department of Public Works and the Office of Planning and Zoning.

Jan M. H. Jones
Deputy Zoning Commissioner of Baltimore County

OPENING COMMISSIONER
BALTIMORE COUNTY
100-A

The Baltimore County
were requested to notify
designated therefore,
then thereafter.

Bliss
to the
for Baltimore County
building
and 21204

), a copy of the foregoing
into Avenue, Baltimore,

Bliss
to the

RE: PETITION FOR VARIANCE
N/S of Stockdale Ave., 800. 9' W of
Owings Ave. - 4th Election District
Robert A. Pratt, et al - Petitioners
NO. 88-188-A (Item No. 120)

DEPUTY ZONING
COMMISSIONER

96-275-SPH

OF
BALTIMORE COUNTY

The Petitioners seek a variance to permit an existing side yard setback
of three feet in lieu of the required minimum setback of thirty feet.

Testimony indicated that the existing dwelling is of about 1900 vintage,
old and that the road, adjacent to the south side of the subject property, is
used by two farms. Further, the Petitioners stated that they only access
Stockdale Avenue, on the east side of the subject property, for ingress and
egress.

Without reviewing the evidence further in detail but based upon all the
evidence presented at the hearing, in the judgment of the Deputy Zoning
Commissioner, the health, safety, and general welfare of the community
will not be adversely affected; and, therefore,

IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County,
this 23rd day of May, 1960, that the Petition for Variance to permit an
existing side yard setback of three feet in lieu of the required minimum set-
back of thirty feet should be and the same is GRANTED, from and after the
date of this Order, subject to the following restrictions:

1. Ingress and egress shall be solely from the County
maintained Stockdale Avenue along the easternmost
property line of the subject property.
2. Compliance with the site plan as submitted, revised
to incorporate the above restriction, and approved
by the Department of Public Works and the Office of
Planning and Zoning.

John M. H. Jones
Deputy Zoning Commissioner of Baltimore County

ORDER RECEIVED FOR FILING

Bliss
John M. H. Jones

JOINT COMMITTEE

Item No. 120
March 14, 1960
Page Two

#274



Committee Members at this time. The remaining members felt

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
39 Stocksedale Avenue, SW/S Stocksedale Ave,	*	ZONING COMMISSIONER
200' S of c/l Woodley Avenue	*	OF BALTIMORE COUNTY
4th Election District, 3rd Councilmanic	*	CASE NO. 96-275-SPH
Gregory and Isabelle Drenning	*	
Petitioners	*	

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 15th day of February, 1996, a copy of the foregoing Entry of Appearance was mailed to Michael Paul Smith, Esquire, Bodie, Nagle, Dolina, Smith & Hobbs, 143 Main Street, Reisterstown, MD 21136, attorney for Petitioner.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

MICROFILM

TO: Case File No. 96-275-SPH

DATE: August 22, 2001

FROM: Lawrence E. Schmidt
Zoning Commissioner

SUBJECT: PETITION FOR SPECIAL HEARING
SW/S Stockdale Avenue, 200' S of the c/l Woodley Avenue
(39 Stockdale Avenue)
4th Election district – 3rd Council District
Gregory S. Drenning, et ux – Petitioners
Case No. 96-275-SPH

I received a telephone call on Monday, August 20, 2001 from Mrs. Ralph Hodge, who resides at 33 Stockdale Avenue, regarding the above-captioned matter. Apparently, these neighbors are revisiting an ongoing argument about the right-of-way between their respective properties. I had a lengthy telephone conversation about this issue and the limits of the Order I issued in the above-captioned matter on March 11, 1996. I reiterated, as stated in my Order, that I am not a judge of the Circuit Court and cannot determine property rights, although I attempted to resolve the right-of-way issue through my Order. Mrs. Hodge indicated that there has been Circuit Court activity and I basically suggested that she contact her attorney to return to the Circuit Court to obtain some kind of finding and resolution as to her property rights and resolve questions relative to the right-of-way.



PROTESTANT(S) SIGN-IN SHEET

ADDRESS

C/O SUMMERFIELD, WILLEN, SILVERBERG
& LINSKY

10019 REISTERSTOWN RD
301

Owings Mills, MD 21117



3. *Phragmites* (reed) beds are common in the marshes, especially in the upper marshes. They are often found in the same areas as the *Spartina* beds, but are more common in the upper marshes. They are often found in the same areas as the *Spartina* beds, but are more common in the upper marshes.

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Greg & Isabelle Drenning

JANINE G. CHRISTIE

Roy Snyder (A.L. Snyder)

D.T. Breckenridge

Robert B. Dittman

Neil W. Hill

39 Stocksdale Ave Reisterstown MD 21136

707 WALGROVE CT. REISTERSTOWN MD 21136

1211 HANOVER PIKE HAMPSTEAD MD. 21074

214 STOCKSDALE AVE. REISTERSTOWN MD 21136

26 Stocksdale Ave Reisterstown MD 21136

44 Stocksdale Ave Reisterstown MD 21136



PRIOR ZONING HEARINGS

- NO. 80-188A MAY 28, 1980
- EXISTING SIDE YARD SETBACK GRANTED
- INGRESS & EGRESS SHALL BE SOLELY FROM STOCKSDALE AVE.

TIMOTHY T. GOONAN, JR.
S.M. 7750 FOLIO 500
TAX ACC. NO. 0412033920

JAMES M. MAYS
DEBORA K. MAYS
S.M. 7942 FOLIO 102
TAX ACC. NO. 040204767

140'± TO WOODLEY AVE.
N 5°59'16"W 228.40'
STONE FD.
B.C.M.D.

STOCKSDALE AVE.

JOSEPH E. MICHAEL ET AL
S.M. 8422 FOLIO 105
TAX ACC. NO. 0413055025

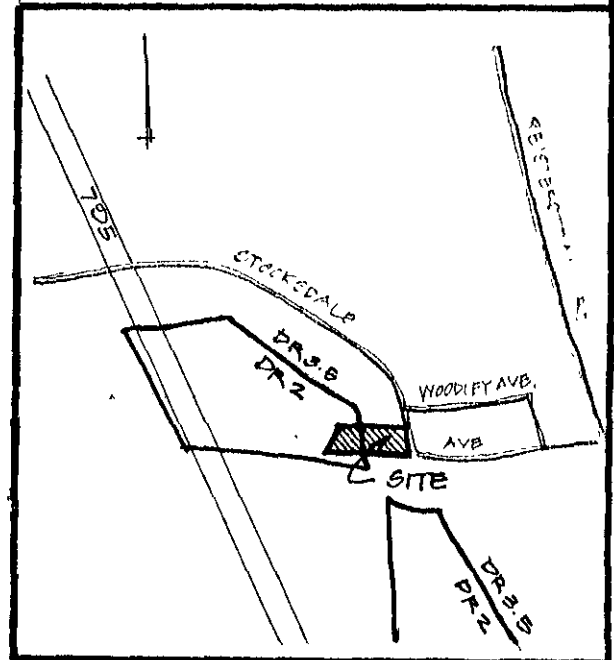
GREGORY
ISABELLE
LIBER
TAX ACC. NO. 0423000275
SCOTT DRENNING
CHRISTIE DRENNING
TAX ACC. NO. 0423000157
AREA = 1.08192 ACRES ±

1/4" = 10' ±
P.O.D.
P.R. SPIRE
WATER VALVE
FIRE HYDRANT

DR 3.5
DR 2

141.17'±
N 33°43'50"E
STONE FD.
B.C.M.D.
BEAR BROTHERS COMPANY ET AL
S.M. 040204767 FOLIO 102
TAX ACC. NO. 040204767

ACADEMY REALTY CO., INC.
S.M. 4331 FOLIO 110
TAX ACC. NO. 0401001020



VIENITY MAP
SCALE: 1" = 1000'

96-275-SPH



PLAT TO ACCOMPANY PETITION FOR
ZONING SPECIAL HEARING
THE DRENNING PROPERTY
39 STOCKSDALE AVENUE

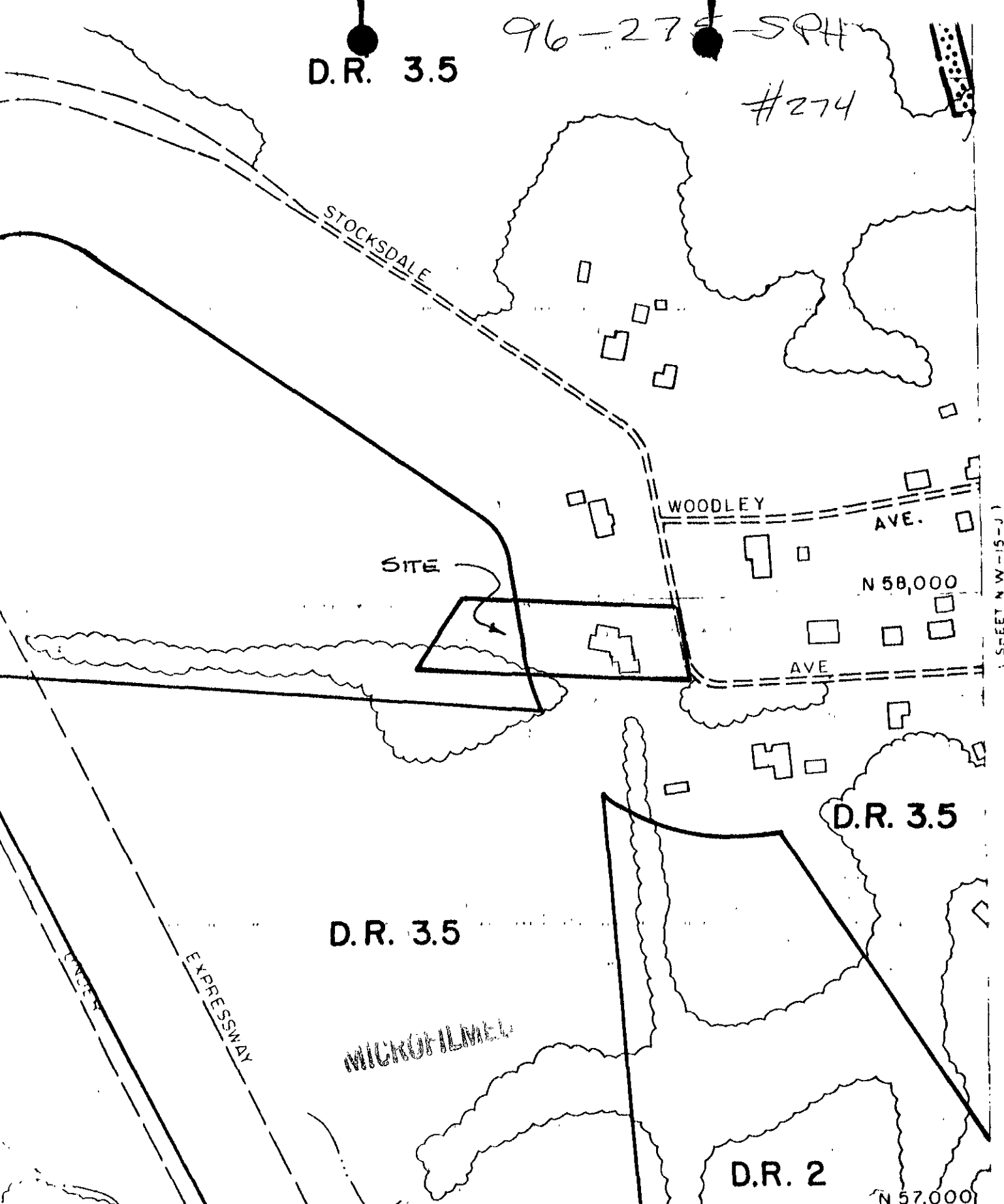
FOURTH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND
THIRD COUNCILMANIC DISTRICT CENSUS TRACT 4044.01
SCALE: 1" = 30' DATE: DECEMBER 27, 1995
TAX MAP: 48 BLACK 16 PARCEL 889

A.L. SNYDER
SURVEYOR
1911 HANOVER PIKE
HAMPSTEAD, MD. 21074
(301) 299-7744

D.R. 3.5

96-275-SPH

#274



SHEET N.W.-15-J

1992 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 15, 1992

Bill Nos. 183-92, 184-92, 185-92, 186-92, 187-92, 188-92, 189-92

William A. Howard IV
Chairman, County Council

SCALE

1" = 200'

DATE
OF
PHOTOGRAPHY
JANUARY
1986

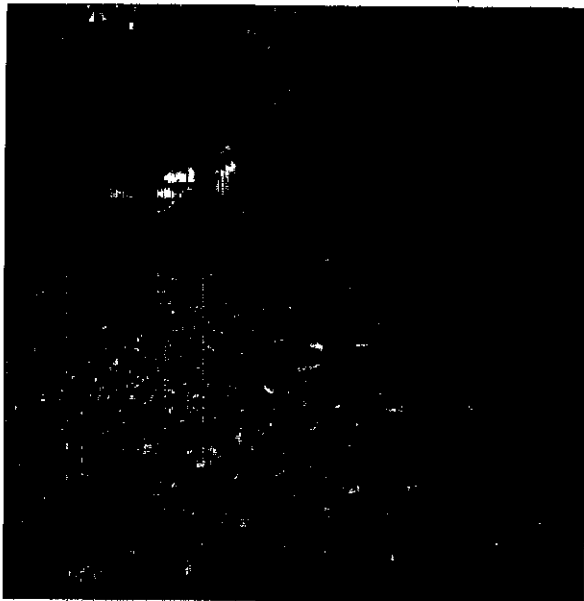
LOCATION

REISTERSTOWN
AREA
SOUTH

SHEET

N. W.
15-K

10-11-95 - 9:00 AM

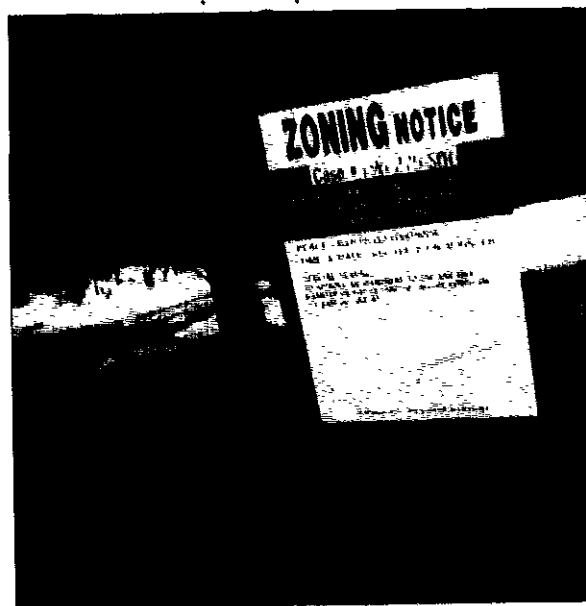
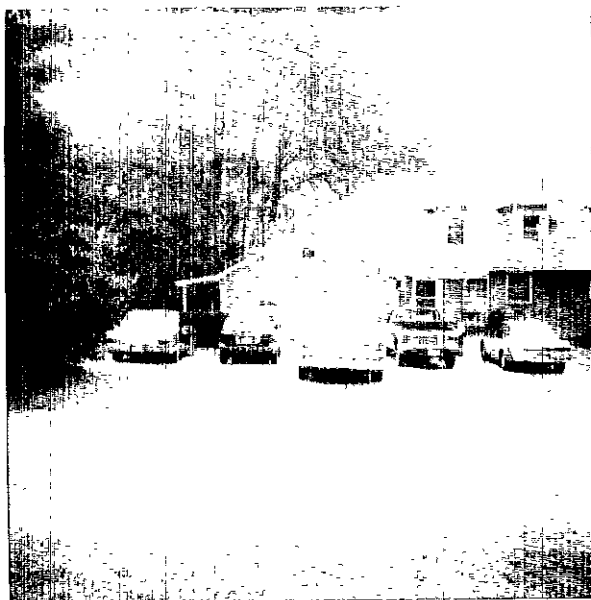


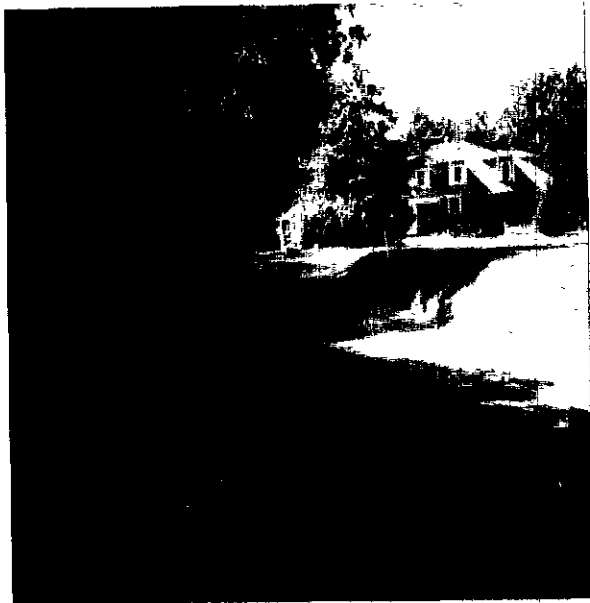
ROSALVA GODGE

Plot Ex No 1



TAKEN BY RALPH L. HOLTS - 2-25-96
39 STOCK-LAKE AVE (near) ...
North side of St. ...

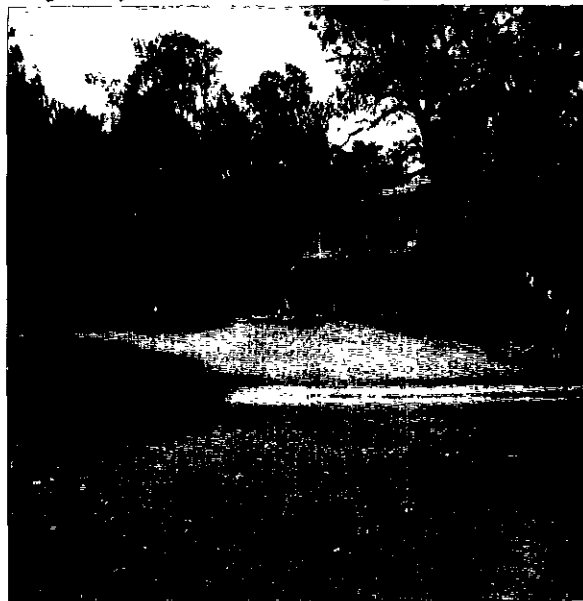




front of 33

10-30-95

10:30 AM



Barry Lee

Protestant's
Exhibit 1

⑥ photograph

96-275-SPH

Exhibit 1

IN RE: PETITION FOR SPECIAL HEARING * BEFORE THE
39/5 Stocksdales Avenue, 200' S * ZONING COMMISSIONER
of the c/l of Woodley Avenue (39 Stocksdales Avenue)
4th Election District * OF BALTIMORE COUNTY
3rd Councilmanic District * Case No. 96-275-SPH
Gregory S. Drenning, et ux
Petitioners *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Hearing for that property known as 39 Stocksdales Avenue, located in the vicinity of Reisterstown Road and Owings Mills Boulevard (I-795) in Reisterstown. The Petition was filed by the owners of the property, Gregory S. and Isabelle Drenning. The Petitioners seek approval of an amendment to the variance granted in prior Case No. 80-188-A to exclude Restriction No. 1 thereof, which states that "Ingress and egress shall be solely from the County-maintained Stocksdales Avenue along the easternmost property line of the subject property." The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 2.

Appearing at the hearing on behalf of the Petition were Gregory and Isabelle Drenning, property owners, and A.L. "Poy" Snyder, Registered Property Line Surveyor, who prepared the site plan for this project. Appearing in support of the Petitioners were Janine G. Christie, D. T. Breckenridge, Robert B. Ditman, and Neil W. Hill, all residents of the surrounding community. The Petitioners were represented by Michael P. Smith, Esquire. Appearing in opposition to the request were Ralph L. and Rosalie I. Hodge, adjoining property owners. Mr. & Mrs. Hodge were represented by Richard O. Gibbs, Esquire.

As noted at the hearing, this is a complex case and the Petitioners' request unusual relief. Examination of the site plan submitted reveals that the property is roughly rectangular in shape and abuts Stocksdales Avenue, not far from Woodley Avenue and Reisterstown Road. The property is improved with a brick and frame dwelling which is depicted on the site plan and in several photographs submitted at the hearing. The property consists of 1.08192 acres, more or less, and is split-zoned with a portion of the rear yard zoned D.R. 2. The front portion of the site and the dwelling are zoned D.R. 3.5.

As shown on the site plan, the existing house is located near the side property line, adjacent to the property owned by Mr. & Mrs. Hodge. According to the site plan, a setback of 1.83 feet is maintained at that location. Apparently in view of this setback, the Petitioners' predecessor in title filed the Petition for Variance in prior Case No. 80-188-A, seeking relief to allow the existing side yard setback. That Petition incorrectly identified the setback as being approximately 3 feet in lieu of the required 30 feet; however, as noted above, the setback is actually 1.83 feet. In any event, the Petition for Variance in the prior case was granted, subject to certain conditions, including Restriction No. 1 which the Petitioners seek to remove through the filing of the instant Petition for Special Hearing.

In this regard, it is apparent that primary vehicular access to the site is by way of Reisterstown Road and Stocksdales Avenue. As Stocksdales Avenue approaches the property from the east, it curves at a 90 degree angle at the front property line. Moreover, as clearly shown on the site plan, a right-of-way continues from the bed of the existing Stocksdales Avenue, across what apparently is the Hodge's property, and abuts the

common property line between the Drenning and Hodge properties. It is, in fact, the existence of this right-of-way which is the genesis of the requested Petition for Special Hearing. As became immediately obvious at the hearing, the case has really arisen due to a neighborhood dispute. Apparently Mr. & Mrs. Hodge and Mr. & Mrs. Drenning do not get along. The basis for their dispute relates to the use of this right-of-way. Mr. & Mrs. Hodge, who own approximately 6 acres adjacent to the subject site, claim that they are unable to access their property because the Petitioners block the right-of-way. For their part, Mr. & Mrs. Drenning claim that Mr. & Mrs. Hodge have threatened them and their children.

As I explained at the hearing, the authority of my office springs from the Baltimore County Code and the Baltimore County Zoning Regulations. I am not a Judge of the District or Circuit Courts of this State and have no authority to intervene in property disputes or the interpretation of deeds or right-of-way agreements. In my judgment, I lack the authority to enter any Order which would resolve this dispute. Nonetheless, all parties should be urged to act reasonably and fairly in their dealings with one another and the use of this common right-of-way strip.

In this regard, I proposed a resolution of the Petition for Special Hearing, which was agreed to by Counsel for both parties. The terms of this resolution include a grant of the Petition for Special Hearing so as to strike Restriction No. 1 of the prior Order, and in its stead, three other restrictions will be imposed within the body of this Order to which the parties agree to be bound.

First, Mr. & Mrs. Drenning will not use the right-of-way to provide vehicular access to their property. This restriction is certainly reasonable in that vehicular access to their lot is already provided both

by a parking pad on the front of their property adjacent to Stocksdales Avenue, and by an existing driveway on the other side of their home. There is no need, therefore, for the Drennings to use the right-of-way on the side adjacent to the Hodge property for vehicular access to their property, and thus, it shall not be allowed.

Secondly, the Drennings should continue to have the right to utilize the right-of-way area for all permitted purposes under the easement agreement, including pedestrian access. That is, the deed apparently authorizes the Drennings to utilize the right-of-way in common with adjacent property owners. Those rights are not being abridged by this Order and the Drennings may continue to use same for any lawful purpose other than providing vehicular access to their property. This includes the right of the Drennings to physically traverse and occupy the property.

Third, both parties agree that neither shall take any act to impinge upon the rights of the others in utilizing this right-of-way. The Drennings shall not block the access and the use of this right-of-way by the Hodes, and vice versa.

It is recognized that the enforcement of these restrictions is questionable, owing to the fact that this Zoning Commissioner's jurisdiction is limited to an interpretation and enforcement of the B.C.Z.R. However, it is hoped that a granting of the Petition for Special Hearing, as conditioned above, will result in a resolution of the dispute between the parties and at the least, a peaceful co-existence of these neighbors.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the special hearing should be granted.

ORDER RECEIVED FOR FILING
Date 3/11/96
By [Signature]

ORDER RECEIVED FOR FILING
Date 3/11/96
By [Signature]

ORDER RECEIVED FOR FILING
Date 3/11/96
By [Signature]

ORDER RECEIVED FOR FILING
Date 3/11/96
By [Signature]

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 11th day of March, 1996 that the Petition for Special Hearing seeking approval of an amendment to the variance granted in prior Case No. 80-188-A to exclude Restriction No. 1 thereof, in accordance with Petitioner's Exhibit 2, be and is hereby GRANTED, subject to the following

restrictions which are conditions precedent to the relief granted:

- 1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) Mr. & Mrs. Drenning will not use the right-of-way to provide vehicular access to their property.
- 3) The Drennings shall continue to have the right to utilize the right-of-way area for all permitted purposes under the easement agreement, including pedestrian access.
- 3) Neither party shall take any act to impinge upon the rights of the other in utilizing the right-of-way. The Drennings shall not block the access, and/or the use of this right-of-way by the Hodes and vice versa.
- 4) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING
Date 3/11/96
By [Signature]

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

March 11, 1996

Michael P. Smith, Esquire
Bodie, Nagle, Dolina, Smith & Hobbs
143 Main Street
Reisterstown, Maryland 21136

RE: PETITION FOR SPECIAL HEARING
SW/5 Stocksdales Avenue, 200' S of the c/l of Woodley Avenue
(39 Stocksdales Avenue)
4th Election District - 3rd Councilmanic District
Gregory S. Drenning, et ux - Petitioners
Case No. 96-275-SPH

Dear Mr. Smith:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. & Mrs. Gregory S. Drenning
39 Stocksdales Avenue, Reisterstown, Md. 21136

Richard O. Gibbs, Esquire, Summerfield, Willen, Silverberg & Linsky
10019 Reisterstown Road, Suite 301, Owings Mills, Md. 21117

Mr. & Mrs. Ralph L. Hodge
33 Stocksdales Avenue, Reisterstown, Md. 21136

People's Counsel; Case File

Printed with Synbeam Ink
Non-Recycled Paper



Petition for Special Hearing to the Zoning Commissioner of Baltimore County for the property located at 39 Stocksdales Avenue, Reisterstown, MD 21136 which is presently zoned DR-3.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and set forth herein, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County to determine whether or not the Zoning Commissioner should approve all Amendments to the Variance granted May 23, 1980. The Petitioner requests that the Variance be amended to exclude condition No. 1 which states: "Ingress and egress shall be solely from the County maintained Stocksdales Avenue along the easternmost property line of the subject property."

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Current Petitioner(s)
Name of Petitioner(s)
Signature
Address
City
State
Zip Code

Address for Petitioner(s)
Name of Petitioner(s)
Signature
Address
City
State
Zip Code

ORDER RECEIVED FOR FILING
Date 3/11/96
By [Signature]

Legal Owner(s)
Name of Legal Owner(s)
Signature
Address
City
State
Zip Code

Address for Legal Owner(s)
Name of Legal Owner(s)
Signature
Address
City
State
Zip Code

ESTIMATED LENGTH OF HEARING
Unsubstantiated for Hearing
The following date
Next Term Meeting
ALL OTHER
REVIEWED BY
DATE

A.L. Snyder
Surveyor, Inc.
1911 Hanover Pike
Hampstead, Maryland 21074
(410) 239-7744
Zoning Description for:
#39 Stocksdales Avenue
December 27, 1995
96-275-SPH
(410) 374-9695

- Beginning for the same in or near the center of Stocksdales Avenue 140 feet south of Woodley Avenue and running thence,
- 1.) S 9° 59' 16" E 123.72
 - 2.) S 87° 23' 21" W 17.50 feet,
 - 3.) N 86° 21' 46" W 97.00 feet,
 - 4.) N 86° 21' 46" W 321.32 feet,
 - 5.) N 33° 43' 50" E 141.17 feet,
 - 6.) S 86° 21' 46" E 335.78 feet to the place of beginning.

Containing 1.08192 Acres of land, more or less.

Being all that lot or parcel of land conveyed by Rhody A. Bosley and Dale R. Bosley to Gregory Scott Drenning and Isabelle Christie Drenning, his wife, by deed dated December 1, 1989 and recorded among the Land Records of Baltimore County, Maryland in Liber S.M. 8351 folio 157 etc. Being also in the Fourth Election District and the Third Councilmanic District of Baltimore County, Maryland.

MEMBER: Md. Soc. of Surveyors • W. Va. Assoc. of Land Surveyors • A.C.S.M. •

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

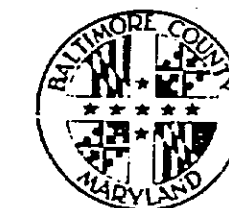
District: 111 Date of Posting: 2/1/96
Posted for: Spinal Hearing
Petitioner: Gregory S. Drenning
Location of property: 39 Stockdale Ave
Location of Sign: Being Redway on property being zoned
Remarks: None
Posted by: [Signature] Date of return: 2/1/96
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., 2/6, 1996
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 2/6, 1996.

THE JEFFERSONIAN,
A. Henrickson
LEGAL AD. - TOWSON

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT 96-275-SPH
DATE 1/17/96 ACCOUNT 01-615
ITEM: 274 AMOUNT: \$285.00
FROM: Drenning, Gregory - 39 Stockdale Ave
1040 - Special Hrg - \$250.00
030 - Issn party - \$35.00
FOR: \$285.00
Q1A00H02191CHRC \$285.00
8A 0010:27AMD1-17-96
VALIDATION OR SIGNATURE OF CASHIER



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighbors property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 274 Petitioner: Drenning, Gregory
Location: 39 Stockdale Avenue
NAME: Gregory S. Drenning
ADDRESS: 39 Stockdale Avenue
Reisterstown, MD 21136
PHONE NUMBER: (410) 526-4191

3

Printed with Soybean Ink on Recycled Paper

12

TO: FUTURE PUBLISHING COMPANY
February 8, 1996 Issue - Jeffersonian

Please forward billing to:

Gregory S. Drenning
39 Stockdale Avenue
Reisterstown, MD 21136
526-4191

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-275-SPH (Item 274)
39 Stockdale Avenue
SW/S Stockdale Avenue, 200' S of c/l Woodley Avenue
4th Election District - 3rd Councilmanic
Legal Owner: Gregory S. Drenning and Isabelle Drenning

Special Hearing to approve an amendment to the variance granted on May 23, 1980 to exclude condition #1.

HEARING: WEDNESDAY, FEBRUARY 28, 1996 at 9:00 a.m. in Room 118, Old Courthouse.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Baltimore County
Department of Permits and
Development Management

Permits and Licenses
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3900
Fax: (410) 887-2824

January 31, 1996

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-275-SPH (Item 274)
39 Stockdale Avenue
SW/S Stockdale Avenue, 200' S of c/l Woodley Avenue
4th Election District - 3rd Councilmanic
Legal Owner: Gregory S. Drenning and Isabelle Drenning

Special Hearing to approve an amendment to the variance granted on May 23, 1980 to exclude condition #1.

HEARING: WEDNESDAY, FEBRUARY 28, 1996 at 9:00 a.m. in Room 118, Old Courthouse.

[Signature]
Arnold Jablon
Director

cc: Gregory and Isabelle Drenning
Michael Paul Smith, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

February 21, 1996

Michael Paul Smith, Esquire
Bodie, Nagle, Dolina, Smith & Hobbs, P.A.
143 Main Street
Reisterstown, MD 21136

RE: Item No.: 274
Case No.: 96-275-SPH
Petitioner: G. S. Drenning

Dear Mr. Smith:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on January 17, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,
[Signature]
W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

3

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**BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE**

TO: Arnold Jablon, Director DATE: February 5, 1996
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief
Development Plans Review Division

RE: Zoning Advisory Committee Meeting
for February 5, 1996
Item No. 274

The Development Plans Review Division has reviewed the subject zoning item. Stockdale Avenue is an existing County road maintained for approximately 5,227 feet from Reisterstown Road to a point 3,854 feet west of Woodley Avenue.

RWB:sw

**BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE**

TO: Arnold Jablon, Director
Permits and Development
Management

DATE: February 2, 1996

FROM: Pat Keller, Director
Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. 273, 274, 275, 277, 278, 279, 281, 282, and 285
If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: [Signature]
Division Chief: [Signature]

PK/JL

ITEM273/PZONE/ZAC1



700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410) 887-4880

DATE: 01/29/96

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF JAN. 29, 1996.

Item No.: SEE BELOW Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 271, 272, 273, 274, 275, 277 AND 278.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

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on Recycled Paper

Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoff
Administrator

1-26-96

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 274 (MTK)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

for Bob Small
Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

March 29, 1996

(410) 887-4386

Michael Paul Smith, Esquire
Bodie, Nagle, Dolina, Smith & Hobbs
143 Main Street
Reisterstown, Maryland 21136

RE: Petition for Special Hearing
Case No. 96-275-SPH
Gregory S. Drenning, et ux, Petitioners

Dear Mr. Smith:

This is to acknowledge your letter or March 21, 1996 regarding the above matter.

The concerns expressed in your letter are, indeed, legitimate and I, again, wish to emphasize that, as Zoning Commissioner, I have no authority to decide questions of ownership or quiet title. My Findings of Fact and Conclusions of Law were in no way intended to establish ownership of the right of way area. In fact, there was no competent testimony or evidence offered at the hearing regarding the identity of the owner of the 24 ft. right of way. As your letter suggests, I do recall some discussion during the hearing that the heirs of the original property owners of the entire tract may well be owners of the fee, subject to the rights of the Drennings, the Hodges and, possibly, others to use the right of way as set forth in the deeds to these various properties.

Therefore, please accept this letter as a refinement to my prior opinion which I trust will be utilized for no purpose other than what it was intended; namely, to interpret the applicable provisions of the Baltimore County Zoning Regulations and an attempt to encourage an amicable resolution of the dispute by and between these parties.

Very truly yours,

Lawrence E. Schmidt
Lawrence E. Schmidt
Zoning Commissioner

LES:mmm

c: Richard O. Gibbs, Esquire
Summerfield, Willen, Silverberg & Limsky
10019 Reisterstown Road, Suite 301
Owings Mills, Maryland 21117

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on Recycled Paper

BODIE, NAGLE, DOLINA,
SMITH & HOBBS

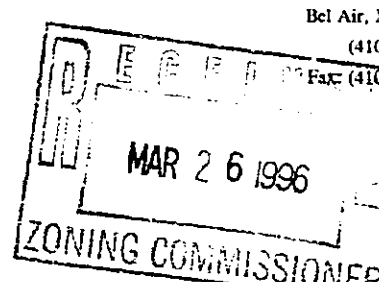
A PROFESSIONAL ASSOCIATION
ATTORNEYS AT LAW

143 Main Street
Reisterstown, MD 21136
(410) 833-1221
Fax: (410) 833-0026

March 21, 1996

Towson Office:
21 W. Susquehanna Avenue
Towson, MD 21204-5279
(410) 823-1250
Fax: (410) 290-6432

Hartford County Office:
112 W. Pennsylvania Ave., Suite 103
Bel Air, MD 21034
(410) 856-4943
Fax: (410) 859-9701



Thomas G. Bodie
John J. Nagle III
Thomas J. Dolina
Chester H. Hobbs IV
Michael G. Dolina
Michael Paul Smith
Kathleen W. Fitzgerald
R. Scott Krause

OF Counsel:
C. Anwar Day, Jr.
Margaret E. Swain
Wallace Dunn
David L. Thurston

* Also Admitted in DC

Lawrence E. Schmidt
Zoning Commissioner for Baltimore County
400 Washington Avenue, Suite 112 Courthouse
Towson, MD 21204

RE: Petition for Special Hearing: Case No. 96-275-SPH

Dear Mr. Schmidt:

I am in receipt of your finds of fact and conclusions of law in reference to the above matter. Inadvertently, you make reference to the right-of-way and the Hodges' property being one and the same. In actuality, from south to north it would be the Hodges' property, then the 23-foot right-of-way for use in common with all owners and occupiers of the land immediately adjacent thereto. (The in fee owners are probably the heirs of the estates of the original owners.), and then the Drennings' property. The purpose of my letter is to request that you indicate that you did not find as a fact that the 23-foot right-of-way is actually owned by the Hodges or is the Hodges' property. If you recall, there was a discussion before Your Honor with regard to who owned the property and it was agreed that the owner is likely the heirs of the estates of the original property owners. Thank you for your consideration.

If you have any questions, please do not hesitate to contact me.

Very truly yours,

Michael Paul Smith
Michael Paul Smith

MPS:sls

cc: Gregory and Isabelle Drenning

RE: PETITION FOR VARIANCE
N/S of Stockdale Ave., 848.9' W of
Owings Ave. - 4th Election District
Robert A. Pratt, et ux - Petitioners
NO. 80-188-A (Item No. 120)

BEFORE THE
DEPUTY ZONING
COMMISSIONER
OF
BALTIMORE COUNTY

The Petitioners seek a variance to permit an existing side yard setback of three feet in lieu of the required minimum setback of thirty feet.

Testimony indicated that the existing dwelling is at least twenty years old and that the road, adjacent to the south side of the subject property, is used by two farms. Further, the Petitioners stated that they only utilize Stockdale Avenue, on the east side of the subject property, for ingress and egress.

Without reviewing the evidence further in detail but based upon all the evidence presented at the hearing, in the judgment of the Deputy Zoning Commissioner, the health, safety, and general welfare of the community will not be adversely affected; and, therefore,

IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County this 23rd day of May, 1980, that the Petition for Variance to permit an existing side yard setback of three feet in lieu of the required minimum setback of thirty feet should be and the same is GRANTED, from and after the date of this Order, subject to the following restrictions:

1. Ingress and egress shall be solely from the County maintained Stockdale Avenue along the easternmost property line of the subject property.
2. Compliance with the site plan as submitted, revised to incorporate the above restriction, and approved by the Department of Public Works and the Office of Planning and Zoning.

John M.H. Jung
Deputy Zoning Commissioner of Baltimore County

Richard W. Carrell, Esquire
305 West Allegheny Avenue
Towson, Maryland 21204

RE: Petition for Variance
N/S of Stockdale Ave., 848.9' W of
Owings Ave. - 4th Election District
Robert A. Pratt, et ux - Petitioners
NO. 80-188-A (Item No. 120)

Dear Mr. Carrell:

I have this date passed my Order in the above captioned matter in accordance with the attached.

Very truly yours,

John M.H. Jung
JOHN M.H. JUNG
Deputy Zoning Commissioner

JMHJ/mc

Attachments

cc: Mrs. Rosalie A. Hodge
33 Stockdale Avenue
Reisterstown, Maryland 21136

John W. Hessian, III, Esquire
People's Counsel

80-188-A

File with
96-275

DEPUTY ZONING COMMISSIONER
BALTIMORE COUNTY
NO. 80-188-A

RE: PETITION FOR VARIANCE
N/S of Stockdale Ave., 848.9' W of
Owings Ave. - 4th Election District
Robert A. Pratt, et ux - Petitioners
NO. 80-188-A (Item No. 120)

96-275-SPH

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John M.H. Jung
Deputy Zoning Commissioner of Baltimore County

COMMITTEE

Item No. 120
March 16, 1980
Page Two

Committee members at this time. The remaining members felt

